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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,695	01/18/2001	Frank M. Keese	1108334- 0431	6465

7590

07/29/2004

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EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,695

Applicant(s)

KEESE, FRANK M.

Examiner

Ula C Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-4 and 6-27 is/are pending in the application.
- 4a) Of the above claim(s) 10-19, 21 and 25-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-9, 20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicant's amendment and accompanying remarks filed June 14, 2004. Although the 112, 2nd rejections and the rejections in view of Effenberger et al. (US 5,230,937), Knox (US 5,217,797), and Petropoulos et al. (US 5,021,109) have been overcome by the present amendments, a new patentability search was done and new prior art references have been found.

Request for Continued Examination

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17 (e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17 (e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 14, 2004, has been entered.

Election/Restrictions

3. Newly amended claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 21 is drawn to a "machine driven belt." However, the elected claims are drawn to the "composite membrane."

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 21 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 is dependent upon any of claims 1-9. However, claim 5 has been cancelled.

Claims cannot depend upon cancelled claims. For the purposes of examination, the Examiner will be treating the claim as if it were dependent upon claim 1 only. Correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6, 7, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 6,352,150) in view of McDonald (US 4,635,788). Lewis discloses a continuous endless belt made of a woven material that is coated with a non-stick material (abstract). Each of the warp and fill fibers are made of a fiberglass material (col 2, ln 12-13). Furthermore, the outer surface and the inner surface of the belt are coated with a non-stick material that can be PTFE or silicone rubber (col 3, ln 60-67 to col 4, ln 1-4). While Lewis discloses that the outer surface and

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the inner surface can be coated by either the PTFE or silicone rubber, it fails to disclose that there is a silicone rubber layer disposed over the PTFE coating.

McDonald discloses an endless belt type of conveyer (abstract). The belt has PTFE coated fiber glass mesh belt (col 6, ln 59-60). The fiberglass mesh can also be coated with a cured silicon rubber coating. It would have been obvious to one having ordinary skill in the conveyor belt art to have used McDonald's silicon rubber coating disposed over Lewis' PTFE coated fiberglass belt, motivated by the desire to create a belt that has reduced or eliminated sticking.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (US 6,352,150) in view of McDonald (US 4,635,788), as applied to claim 1 above, and further in view of De Zuba et al. (US 3,941,741). Lewis and McDonald disclose the claimed invention except for the teaching that the silicone rubber comprises pigments and organic peroxide catalysts.

De Zuba et al. (US 3,941,741) disclose glass fiber cloth substrate (col 15, ln 8-11) that is coated with a heat curable silicone rubber (abstract). It should be noted that the silicone rubber of De Zuba et al. also can adhere with good adhesion to Teflon (i.e. PTFE) plastic (col 15, ln 15-20). The silicone rubber also comprises pigments (col 14, ln 21) and peroxide curing catalysts (col 8, ln 65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the peroxide catalysts and pigment of De Zuba et al. in the silicone rubber of Lewis and McDonald, motivated by the desire to create a silicone rubber that has the desired aesthetics and increased bonding strength.

Response to Arguments

9. Applicant's arguments with respect to claims 1-4, 6-9, 20, and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ferziger et al. (US 4,526,830) disclose coated fiberglass fabrics (col 3, ln 28-29) that are coated with silicone rubber or PTFE (col 4, ln 9-12). Schneider et al. (US 5,439,631) disclose a fiberglass mesh adjacent to a sheet of uncured elastomeric material, such as silicone rubber. The mesh is coated with PTFE so that it releases from the sheet of silicone rubber after curing (col 2, ln 33-42).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

UCR 


Ula C. Ruddock
Primary Examiner
Tech Center 1700